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**From:**

**Sent:** Wednesday, January 28, 2009 11:01:36 AM

**To:**

**Cc:**

**Subject:** RE: Questions on IRC Section 7216

Responses to your questions are below. I hope I have sufficiently answered your questions. Do not hesitate to contact me with anything further.

I do have one more brief question...do the preparers need consents to mail clients copies of their tax returns (either to their home or their work) ?

No, preparers do not need consents to mail clients copies of their tax returns to either their home or work address. This is considered disclosure to the taxpayer, and the fact that the postal system is used has no effect on it being a direct disclosure to the taxpayer.

Firstly, with respect to setting a time limit on the duration of a consent request to disclose or use taxpayer information, can a taxpayer use the phrase "until further notice," or do time limits on consents need a specific date?

Time limits on consents do not need a specific date, and a taxpayer's use of the phrase "until further notice" does not violate the regulation. As a practical matter, however, a preparer should note that although a consent may still be valid by its term, the information specified in the consent and the purpose for the use or disclosure specified in the consent must also be current. In other words, if in 2009 I sign a consent allowing the disclosure of my tax return information to a bank for purposes of obtaining a mortgage loan until further notice, while the consent will still be valid for duration purposes in 2010 and beyond, a new purpose or recipient may be needed that was not set forth in the consent, and therefore, a new consent will be needed.

Secondly, the new rules state that the consent must state the specific information that will be disclosed or used. Does specific information include identifying the tax year as well (e.g. gross receipts and cost of goods sold for tax year ending 12/31/2008)?

Yes, specific information includes the identifying tax year for the tax return information. We believe that the tax year for the information to be disclosed is necessary for the taxpayer consent to be "knowing and voluntary" as required by sec. 301.7216-3(a)(1).